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**IN THE UNITED STATES DISTRICT COURT
 FOR THE DISTRICT OF ARIZONA**

Federal Trade Commission,

Plaintiff,

vs.

Money Now Funding, LLC, et al.,

Defendants.

Filed Under Seal

Case No.

CV-13-01583-PHX-ROS

PLAINTIFF'S *EX PARTE* MOTION
 FOR AN ORDER TEMPORARILY
 SEALING THE FILE; MEMORANDUM
 IN SUPPORT THEREOF

Plaintiff, the Federal Trade Commission ("FTC" or "Commission"), respectfully
 moves *ex parte* for an order temporarily sealing the entire docket and file in this matter,
 including the Complaint, Plaintiff's *Ex Parte* Motion for a Temporary Restraining Order,
 Asset Freeze, Appointment of a Temporary Receiver, Immediate Access, Other Equitable
 Relief, and an Order to Show Cause Why a Preliminary Injunction Should Not Issue, and
 Memorandum in Support Thereof ("TRO Motion"), and all other pleadings, motions,
 exhibits, and other papers and materials filed in support thereof, including this Motion.
 The FTC requests that the seal remain in effect until it has served all Defendants, or until
 five (5) days following the entry of an order to seal the file, whichever occurs earlier. The
 seal is necessary to prevent immediate and irreparable harm to the Commission's ability

1 to obtain effective final relief in this matter. In support of this Motion, the FTC submits
2 the following Memorandum of Points and Authorities.

3 MEMORANDUM

4 In support of its *Ex Parte* Motion for an Order Temporarily Sealing the File, the
5 FTC states the following:

6 1. As alleged in the Complaint, and described more fully in the TRO Motion
7 and accompanying exhibits, Defendants are engaged in a nationwide fraudulent
8 telemarketing scheme offering consumers business opportunities under a variety of
9 names. One principal variation of the scheme is the “Money Now Funding” business
10 opportunity, which Defendants sell by telling consumers they will earn income by
11 referring small businesses seeking loans to Money Now Funding. Despite Defendants’
12 assurances that consumers will easily generate hundreds or thousands of dollars per
13 month in income, consumers typically lose their investment because the program is a
14 total fraud, with losses ranging from a few hundred dollars to tens of thousands of dollars
15 per consumer. Defendants are not actually in the business of making or brokering loans to
16 small businesses, and consumers, therefore, never earn any of the promised commissions
17 on the sale of such loans. Many victims affected by this scam are seniors with limited
18 income and savings.

19 2. Defendants’ deceptive practices violate Section 5(a) of the Federal Trade
20 Commission Act, 15 U.S.C. § 45(a), as well as multiple provisions of the FTC’s Trade
21 Regulation Rule entitled “Disclosure Requirements and Prohibitions Concerning
22 Business Opportunities,” 16 C.F.R. Part 437, as amended, and the FTC’s Telemarketing
23 Sales Rule, 16 C.F.R. Part 310, as amended.

24 3. As is set forth in the Certification of Plaintiff Federal Trade Commission
25 Counsel Janet Ammerman Pursuant to Fed. R. Civ. P. 65(b)(1) in Support of Plaintiff’s
26 *Ex Parte* Motion for an Order Temporarily Sealing the File, there is good cause for an
27 order temporarily sealing the file in this case. The FTC requests a temporary seal of the
28 entire file for the same reason that it also seeks a temporary restraining order pending a

1 preliminary injunction hearing – namely to maintain the status quo and to preserve the
2 possibility of final relief.

3 4. A temporary seal will help ensure that Defendants do not receive premature
4 notice of this action directly or through third parties. Entry of an *ex parte* order
5 temporarily sealing the file is consistent with the purpose of Fed. R. Civ. P. 65(b), which
6 permits motions without notice to prevent “immediate and irreparable injury, loss or
7 damage.”

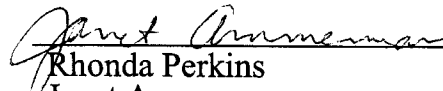
8 5. If Defendants become aware of the FTC’s case before the FTC can serve
9 the TRO on third parties that hold assets of Defendants, such as financial institutions and
10 payment processors, there is a substantial risk that Defendants might conceal or dissipate
11 assets or destroy documents, frustrating the Court’s ability to provide restitution to the
12 victims of Defendants’ unlawful scheme.

13 6. The public’s interest in preserving the Court’s ability to award monetary
14 relief outweighs its interest in having access to the judicial records of this matter during
15 the short temporary seal period.

16 Accordingly, the FTC respectfully requests that the Court enter the accompanying
17 proposed order to seal the entire file and docket in this matter until it has served all
18 Defendants, or until five (5) days following the entry of an order to seal the file,
19 whichever occurs earlier.

20 Respectfully submitted,

21
22 Dated: 8-2-13


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